

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re:)	
)	
PRESIDENT CASINOS, INC.,)	Case No. 02-53005-659
)	Judge Kathy A. Surratt-States
)	Chapter 11
Debtor.)	
)	
STUART A. WILLIAMS, Trustee to The Stuart)	Adversary No. 13-4151-659
A. and Francine W. Williams Revocable Trust,)	
)	PUBLISHED
Plaintiff,)	
)	
-v-)	
)	
HENRY L. GUSKY, in his capacity as)	
Liquidation Trustee of President Casinos, Inc.,)	
Liquidation Trust,)	
Defendant.)	


ORDER

Upon consideration of the record as a whole, and consistent with the Findings of Fact and Conclusions of Law entered separately in this matter,

IT IS ORDERED THAT the Defendant's Motion to Dismiss for Failure to State a Claim and Failure to Join Required Parties is **GRANTED IN PART** in that the Complaint is **DISMISSED** for failure to state a claim in that the relief requested as to Count I: Declaratory Judgment is **DENIED** in that this Court does not declare that the Plan required Trustee Henry Gusky, Esq. to ensure that the First Liquidation Distribution was provided to the Stuart A. and Francine W. Williams Revocable Trust as owner of the 61,000 shares of PCI stock as of the Distribution Record Date, and rather, the Plan required Trustee Henry Gusky, Esq. to ensure that the First Liquidation Distribution was provided to the Record Holders of PCI stock only and, through his agent Computershare Trust Company, N.A., Trustee Henry Gusky, Esq. fulfilled this obligation; and the relief requested as to Count II: Breach of Fiduciary Duty is **DENIED** in that Trustee Henry Gusky, Esq. was not

outrageous, wanton, malicious and oppressive and Trustee Henry Gusky, Esq. did not disregard his fiduciary duties as the Liquidating Trustee; and, the relief requested as to Count III: Negligence is **DENIED** in that having concluded that Trustee Henry Gusky, Esq. did not breach his fiduciary duties, Trustee Henry Gusky, Esq. was likewise not negligent in that Trustee Henry Gusky, Esq. was not the proximate cause of any loss alleged by the Stuart A. and Francine W. Williams Revocable Trust; and

IT IS FURTHER ORDERED THAT Motion to Enforce Settlement is **DENIED AS MOOT**; and this is the final Order of the Bankruptcy Court in this case.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: December 2, 2013
St. Louis, Missouri

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